

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

SCOTT JOSEPH BOLDEBOOK	)	Case Number
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL COMPLAINT
	)	
NCO FINANCIAL SYSTEMS, INC.	)	
	)	JURY TRIAL DEMANDED
Defendant.	)	
	)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, SCOTT JOSEPH BOLDEBOOK, by and through his undersigned counsel, Warren & Vullings, LLP, complaining of Defendant, and respectfully aver as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA" which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant's principal place of business is here and the Defendant transacts business here.

### **III. PARTIES**

4. Plaintiff, Scott Joseph Boldebook, (“Plaintiff”), is an adult individual and citizen of the State of Massachusetts, residing at 9 Chestnut Lane, Apartment 2, Brockton, MA 02301.

5. Defendant, NCO Financial Systems, Inc. (“NCO” or “Defendant”) had, at all times relevant to this complaint, its principal place of business located at 507 Prudential Road, Horsham, PA 19044.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another, in this instance the alleged account was for Dobson Cellular. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

### **IV. FACTUAL ALLEGATIONS**

7. On August 4, 2008, at 6:24 PM, Plaintiff received a phone call from Defendant’s representative, “Adam Arches” attempting to collect an alleged debt due Dobson Cellular. Plaintiff asked for information regarding the alleged debt at which time he was told by Defendant’s representative “it’s not our job to provide you with information. We are not an investigative service”. Defendant’s representative was loud, argumentative and rude, speaking over Plaintiff each time he attempted to obtain more information regarding this alleged debt and in fact Defendant’s representative abruptly hung up on Plaintiff. The phone number the agent called from was 800-221-8887. The phone number the agents called to was 443-614-2382.

8. In four subsequent conversations with Defendant's representatives, Plaintiff requested an itemization of the amount due on this alleged debt but never received same. On August 20, 2008, when Plaintiff indicated to Defendant's representative that he had not received the requested information about this alleged debt, Defendant's representative told him "OK, then just pay off the amount you think you owe".

9. Plaintiff wrote a letter to Defendant by certified mail on August 21, 2008, requesting verification of the debt a copy of which is attached as Exhibit "A", to which Defendant has never responded.

10. The harassing, intimidating, deceptive and bullying behavior of the Defendant are violations of the FDCPA.

### **COUNT I**

#### **FDCPA VIOLATION 15 U.S.C. § 1692 et seq.**

11. The above paragraphs are hereby incorporated herein by reference.

12. Defendant violated the FDCPA. Defendant's foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of §§ 1692 , d, d(2), d(6), e, e(2) e(5), e(10), f, and g.

13. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiffs for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

**WHEREFORE**, Plaintiff respectfully requests that this court enter judgment in its favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;

and

e. Such additional and further relief as may be appropriate or that the interests of justice require.

**V. JURY DEMAND**

Plaintiffs hereby demand a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: 09/12/2008**

**BY: /s/ Brent F. Vullings**

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# EXHIBIT “A”

Dear NCO,

I am disputing the charges that you have sent in your bill dated July 24<sup>th</sup> in the amount of \$533.68. On the bill it states that the original debt was for \$134.97 and "other charges" were \$398.00. I called and spoke with a representative and asked that I be sent an itemized bill or something that can show what these "other charges" were for. I have not received any such mail. When I called to inquire an associate of NCO ever so rudely told me that it is not the job of NCO to send bills, that they are debt collectors and do not investigate. He refused to put me on with a supervisor and said he would not send a bill. He said his name was Adam Arches I spoke with him at 6:29pm on August 4<sup>th</sup>. Furthermore on August 10<sup>th</sup> (30 days after requesting the bill I spoke with a representative who said again he would send a bill. He then tried to negotiate the amount of the bill stating that I could pay whatever amount I felt was fair, adding more suspicions as to the validity of the charges on the original bill.

For the reason stated above I am questioning the validity of the bill and would like to dispute the charges for fear that they are inaccurate. This is my legal right and I will not be bullied into paying any kind of debt without documented verification of the charges. Please send me a copy of the last known bill from "Dobson Cellular" (the original company of my debt) that itemizes the charges of \$533.68 that you have stated I owe.

Thank you,

Scott Boldebok  
9 Chestnut Ln apt 2  
Brockton MA 02301